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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,279	09/08/2003	Robert Hugo De Angelis		7135
7590	09/08/2005		EXAMINER	
Tantalus Systems Corp. 100-2955 Virtual Way Vancouver, V5M 4X6 CANADA			VY, HUNG T	
			ART UNIT	PAPER NUMBER
				2821

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/656,279	DE ANGELIS, ROBERT HUGO
	Examiner	Art Unit
	Hung T. Vy	2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 27 July 2005.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 6-26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 6-26 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 08 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**  
***Claim Objections***

1. Claims 24 and 26 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim 24 and 26, " claims 19-23", "claims 19-25" are not been further treated on the merits.

**Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6 and 19 are rejected under 35 U. S. C. § 102 (b) as being anticipated by Higgins et al, U.S. patent No. 6,218,995.

Claim 19, Higgins et al. discloses an RF telemetry unit comprising: incumbent metallic infrastructure 131(See column 2, line 12-24); a first RF radiating/receiving element 230,232 and a first metallic structure 36,24 (see column 3, line 55-67, column 4, line 1-8 and fig. 12) placed physically closer to said first RF radiating/receiving element than the incumbent metallic infrastructure is (See fig. 12).

Claim 6, the methods of minimizing the effect on the performance of a give RF radiating/receiving element, since Higgins et al. disclose the product, it is inherent a product by process for performing the method is recited in the claims.

### **Claim Rejections - 35 U.S.C. § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7-8, 20-23, and 25-26 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Higgins et al, U.S. patent No. 6,218,995 in view of Hill, U.S. Patent No. 5,818,390.

Claims 20-23, Higgins disclose all limitation of invention except for RF radiating/receiving element is a lot formed from material, thereby forming a first slot antenna. However, Hill discloses the slot antennas 12-14 (see fig. 3). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Higgins et al. to implement the device of Higgins et al. by arranging a first and second a lot antenna to easy assembled and it more durable and reliable since such an replace the patch antenna to have slot antenna for the stated purpose has been well know in the art as evidenced by the teaching of Hill (see column 2, line 60-65).

Claim 25, Hill discloses the cover 230 (See fig. 8 and column 3, line 53-54).

Claim 26, Hill discloses the dielectric 6 properties that do not adversely affect the performance of the radiating/receiving element (See column 4, line 25).

Claims 7-18, the methods of minimizing the effect on the performance of a give RF radiating/receiving element, since Higgins et al. and Hill disclose the product, it is inherent a product by process for performing the method is recited in the claims.

5. Claim 24 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Higgins et al, U.S. patent No. 6,218,995 in view of Johnson et al., U.S. Patent No. 5,056,107.

Regarding claim 24, Higgins disclose all limitation of invention except for the incumbent metallic infrastructure is that of a convention resource-measuring meter. However, Johnson et al. disclose incumbent metallic infrastructure is that of a convention resource-measuring meter (See fig. 2). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Higgins et al. to have a convention resource-measuring meter as taught by Johnson et al. The motivation for doing so would have been provide convention resource-measuring meter in order to have compact package.

#### **Response to Arguments**

6. Applicant's arguments filed on 07/27/2003 have been fully considered but they are not persuasive. Applicant made the following arguments:

- a. "The Applicant's difficulty is most directly illustrated by considering claims 11, 12, 14 and 24, and Applicant asks for Examiner's indulgence for digression for better focusing on the terminological disconnect before returning to claim 19. In claims 11, 12, 14 and 24, the "incumbent metallic infrastructure" is recited to be that of "conventional resource-measuring meter". What the Examiner identifies as "incumbent metallic infrastructure 131 (see column 2, line 12-24)", is

in part of base lock 31, which is part of housing assembly 22 for the telemetry functions. Half portion 131 is not part of the meter but rather is part of the telemetry function separate from the meter (see fig.3, where 14 represents a water meter and 31 is the base lock of the housing assembly 22 for the telemetry functions). Thus Applicant can not understand, in claims 1, 11, 12, 14 and 24 how Examiner consider 1311 to be 'incumbent metallic infrastructure' that is part of a "conversion resource-measuring meter" page 6 seventh paragraph.

In response to Applicant's argument **a** above, the Applicant's argument are not persuasive because Examiner interprets the claims in broadest sense, so Examiner exams in body claim itself, the claim recites the a first RF radiating/receiving element; and a first metallic structure placed physically closer to said first RF radiating/receiving element than a proximate incumbent metallic infrastructure is. Higgins discloses an incumbent metallic infrastructure 131 is part of base lock, which is part of housing assembly 22, a first metallic structure 35,24. The "Incumbent metallic infrastructure" can be anything as a metallic. So Higgins discloses the incumbent metallic infrastructure as claimed invention. The Applicant's arguments do not support on claim's language. The Applicant cannot bring the limitations from the specification in order to argue in the claims that do not recite. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., conventional resource measuring meter, electro-mechanical, gears, brackets, prongs, tumblers, disks, rivets) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). If the Applicant wants to argue those limitations, the Applicant should bring those limitations into claim.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vy whose telephone number is (571) 272-1954. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications.

9. Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published

application may be obtained from either private Pair or Public Pair. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung T. Vy  
Art Unit 2821.  
August 29, 2005



Wilson Lee  
Primary Examiner